

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, SEPTEMBER 28, 2017
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Jim Ports, Acting Chairman

MEMBERS ATTENDING:

Katherine B. Armstrong
Dontae Carroll – via telephone
William H. Cox, Jr.
William Ensor
W. Lee Gaines
Mario J. Gangemi
John von Paris

STAFF ATTENDING:

Tekeste Amare
Roan Bennett
Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Christy Fischer
Chantelle Green
Michele Gross
James Harkness
Jaclyn Hartman
Natalie Henson
Meshelle Howard
Michele Jones
Heather Lowe
Jody McCurley
Jessica Mettle
Kimberly Millender, Esquire
Tonya Morant
Will Pines
Kevin C. Reigrut
Mike Rice
Major Joseph Ruff
Deborah Sharpless
Darol Smith
Cheryl Sparks
Russ Walto
Tim Wendt
Melissa Williams
Brian Wolf

OTHERS ATTENDING:

Patricia Edmonds, Retired MDTA Employee
Thomas Krueger, Conduent
Queen Nwator, Senator Chris Van Hollen's Office

At 9:00 a.m. Acting Chairman Jim Ports called the meeting of the Maryland Transportation Authority (MDTA) Board to order.

APPROVAL – CLOSED AND OPEN SESSION MINUTES OF SEPTEMBER 7, 2017

Upon motion by Member William Cox and seconded by Member William Ensor, the Closed and Open meeting minutes of the MDTA Board meeting held on September 7, 2017 were unanimously approved.

RESOLUTIONS – YEARS OF SERVICE RECOGNITION

Ms. Deborah Sharpless read the Years of Service Resolutions for Deborah Arnes, Patricia Edmonds, Cheryl Getts, and Andrea Higgs. She stated on the occasion of their retirement from their distinguished careers of exemplary service, the Chairman and Members of the Maryland Transportation Authority hereby express to Deborah Arnes, Patricia Edmonds, Cheryl Getts, and Andrea Higgs their most sincere appreciation for their excellence and commitment.

Acting Chair, Jim Ports introduced new Board Member, Mario J. Gangemi to everyone and welcomed him to the Board.

APPROVAL – PORT COVINGTON

Ms. Melissa Williams and Mr. Russ Walto requested that MDTA continue to be the lead State Agency for the Port Covington Development I-95 Access National Environmental Policy Act (NEPA) Project and requested that MDTA submit an INFRA grant application for the Port Covington Development and maintain the \$32.997 Million of MDTA funding for Phase one (1) of the project that is currently in the Program as per the prior March 2016 Board approval.

The NEPA work has begun for the proposed improvements and will require coordination between MDTA and Baltimore City who all have jurisdiction over segments of the project and with Port Covington Master Developer, LLC (PCMD) that has developed the Port Covington Master Plan.

Upon motion by Member Cox and seconded by Member Ensor, the Members unanimously approved MDTA to continue to be the lead State Agency for the Port Covington Development I-95 Access National Environmental Policy Act Project and the submittal of the INFRA Grant Application for Port Covington Development.

APPROVAL – CONTRACT AWARDS

- **CONTRACT NUMBERS: BB 2861-0000 BAY BRIDGE STAGING DOCK REPLACEMENT**

Ms. Donna DiCerbo requested approval for Contract No. BB 2861-0000 Bay Bridge Staging Dock Replacement. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this Contract will replace the existing timber staging dock used by contractors in the execution of ongoing work on the William Preston Lane Jr. Memorial Bridge (Bay Bridge) with a new parallel concrete staging dock. The scope of work includes: demolition of existing structures, dredging, approach grading and roadway, concrete substructure including piles and pier caps, concrete slab superstructure including curbs, concrete wearing surface, timber fender system, pier lighting, and other miscellaneous items of work prescribed in the Contract Documents.

There are allowances of \$300,000 for Miscellaneous Repairs and Modifications and \$20,000 to Install Roadway Lightning included in the Invitation for Bids (IFB) that will only be used if necessary and with prior approval of the Engineer.

Four (4) bids were received ranging from 45% to 13% above the Engineer's Estimate of \$3,417,700. Corman Marine Construction, Inc. (Corman) was the lowest responsive and responsible Bidder. As its bid was Thirteen percent (13%) higher than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This Company has performed work on prior MDTA projects successfully.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 20% with sub-goals of 7% for African American-owned firms, 4% for Asian American-owned firms; and a 2% Veteran Small Business Enterprise (VSBE) participation goal. Corman submitted a MBE plan that exceeds the MBE goal and a VSBE plan that meets the goal.

Upon motion by Member Katherine Bays Armstrong and seconded by Member W. Lee Gaines, Jr., the Members unanimously approved Contract No. BB 2861-0000 Bay Bridge Staging Dock Replacement to Corman Marine Construction, Inc. in the amount of \$3,853,208.50.

- **CONTRACT NO. FT 2671-0000 SALT BARN, DEWATERING FACILITY & SITE IMPROVEMENTS**

Ms. DiCerbo requested approval for Contract No. FT 2671-0000 Salt Barn, Dewatering Facility & Site Improvements. This item was reviewed by the Capital Committee and recommend for approval.

The work under this Contract includes: New 6,000 ton salt barn including lean-to structure to accommodate paint and tunnel soap storage and storage of other materials; new dewatering facility building to accommodate material dumped from the MDTA's vactor truck and street sweeper. The facility will collect water on a concrete pad and discharge to a grit chamber and then will discharge to the existing sanitary sweeper pump station; reinforced concrete storage bins designed to accommodate the current material stored on the site. The bins will be constructed under the existing elevated ramps; site and paving work including new and reconfigured paved areas to accommodate circulation for the salt barn, access to the dewatering facility, and storage bins; miscellaneous site improvements including storm drainage, fencing, and removal of site debris;

new drainage and stormwater management facilities; new electrical work including building and site lighting and electrical infrastructure and appurtenance; and, demolition and removal of the existing salt barn and lean-to structure.

There is an Allowance of \$400,000 for Miscellaneous Contingencies included in the Invitation for Bid (IFB). This allowance will only be used if necessary and with prior approval of the Engineer.

Three (3) bids were received, ranging from 104.3% to 25% above the Engineer's Estimate of \$4,800,103. One bid was determined non-responsive and was rejected with the concurrence of Legal Counsel.

Brawner Builders, Inc. (Brawner) was the lowest responsive and responsible Bidder. As its bid was twenty-five percent (25%) higher than the Engineer's Estimate, a bid justification was performed and the bid was determined to be fair and reasonable. This Company has performed work on prior MDTA projects successfully.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 22% with sub-goals of 7% for African American-owned firms and 4% Asian American-owned firms; and a 1% Veteran Small Business Enterprise (VSBE) participation goal. Brawner submitted a MBE plan that exceeds the MBE goal and a VSBE plan that meets the goal.

Upon motion by Member Armstrong and seconded by Member Gaines, the Members unanimously approved Contract N. FT 2671-0000 Salt Barn, Dewatering Facility & Site Improvements in the amount of \$5,988,854.

• **CONTRACT NO. KB 3001-0000 BUILDING 303 RENOVATION**

Ms. DiCerbo requested approval for Contract No. KB 3001-0000 Building 303 Renovation. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this Contract is the complete interior renovation and selective exterior envelope rehabilitation of Building 303 located at the Francis Scott Key Bridge Facility. This work consists of the upper floor renovations of office suites, shared conference rooms, a break room, a training room, locker rooms, and toilet rooms. The lower level will have renovations to the HVAC and fire protection systems. The building envelope will receive several upgrades to improve thermal performance and mitigate existing issues with water infiltration. Temporary facilities will be provided for the toll booth operators to maintain operations.

There are allowances of \$20,000 for an Industrial Hygienist and \$680,000 for Miscellaneous Construction included in the Invitation for Bid (IFB) that will only be used if necessary and with prior approval of the Engineer.

Three (3) bids were received ranging from -26% to -1% of the Engineer's Estimate of \$7,023,905.66.

Tech Contracting Co., Inc. (Tech) was the lowest responsive and responsible Bidder and is recommended for award. As its bid was Twenty-Six percent (26%) lower than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This Company has performed work on prior MDTA projects successfully.

This was advertised as a Small Business Reserve (SBR) procurement, with an overall Minority Business Enterprise (MBE) participation goal of 30% with sub-goals of 7% for African American-owned firms and 4% for Asian American-owned firms. A 1% Veteran-owned Small Business Enterprise (VSBE) participation goal was also established for this contract. Tech submitted a MBE plan that exceeds the MBE goal and a VSBE plan that meets the goal.

Upon motion by Member Cox and seconded by Member John von Paris, the Members unanimously approved the Contract No. KB 3001-0000 Building 303 Renovations to Tech Contracting Co., Inc. in the amount of \$5,195,600.

- **MDTA PROJECT NO. MDTA 2016-02 - CONTRACT NO's: AE 3021-0000, AE 3022-0000, AE 3023-0000 AND AE 3025-0000**

Ms. DiCerbo requested approval for MDTA Project No. MDTA 2016-02, which includes Contract No's: AE 3021-0000, AE 3022-0000, AE 3023-0000 and AE 3025-0000 for Comprehensive Construction Management and Inspection (CMI) Services. This item was reviewed by the Capital Committee and recommended for approval. Approval of these Contracts is contingent upon the approval of the Board of Public Works (BPW).

The services to be performed under these Contracts are Comprehensive Construction Management and Inspection (CMI) Services for the Maryland Transportation Authority (MDTA).

The Consultants shall provide professional Construction Management and Inspection (CMI) services related to supplementing and supporting the construction Phase of the Maryland Transportation Authority (MDTA) Consolidated Transportation Program (CTP). The Consultants shall perform services in the following general areas; service shall include, but not be limited to; constructability reviews, conduct pre-construction conferences, monitor and document contractor performance, conduct detailed inspections of all construction work including erosion and sediment control contract compliance, environmental project program monitoring as required, maintenance of traffic, schedule and conduct progress meetings, conduct detailed materials inspections and testing (this may include providing the laboratory to conduct said testing), contract utility coordination and locating of existing facility utilities as needed, monitor project critical path method (CPM) and cash flow schedules, review and process progress and final payments utilizing Maryland Construction Management System (MCMS), provide construction phase review services such as reviewing shop drawings and responding to Request for Information (RFI), and assist the Authority's compliance officers with monitoring and enforcement of the Minority Business Enterprise (MBE) goals.

These are the final four (4) of eleven (11) task-based contracts that will be cost plus fixed fee Contracts, with a value between Nine Million Dollars (\$9,000,000) to Twelve Million Dollars (\$12,000,000) each, with a total Not-to-Exceed value of Forty-One Million Dollars (\$41,000,000). The first seven (7) task-based contracts were presented to the Capital Committee in August in the amount of Seventy-Four Million Dollars (\$74,000,000) for a total Not-to-Exceed project value of One Hundred Fifteen Million Dollars (\$115,000,000). The project was initially approved by Secretary of Transportation, Pete K. Rahn on February 16, 2016.

The Minority Business Enterprise (MBE) participation goal for each contract is 25% with sub-goals of 6% for African American-owned firms, 2% Hispanic American-owned firms, and 9% Women-owned firms, and a 1% Veteran-Owned Small Business Enterprise (VSBE) participation goal. The prime contractors have submitted MBE and VSBE plans that meet these goals.

The firm selected for award of Contract No. AE-3021-0000 in the amount of \$12,000,000 is Rummel, Klepper & Kahl, LLP (the third highest rated firm). Its sub-consultants are:

NMP Engineering Consultants, Inc. – MBE;
Findling, Inc. – MBE;
Mercado Consultants, Inc. – MBE;
Puente Consultants, LLC – MBE;
Constellation Design Group, Inc. - MBE;
Infrastructure Technologies, LLC – MBE;
Eborn Enterprises, Inc. - VSBE

The recommended firm has committed to the established MBE goal and sub-goals and exceeded the VSBE goal.

The firm selected for award of Contract No. AE-3022-0000 in the amount of \$10,000,000 is A. Morton Thomas & Associates, Inc./Prime AE Group, Inc. (the fourth highest rated firm). Its sub-consultants are:

Keville Enterprises, Inc. – MBE;
Mercado Consultants, Inc. – MBE;
Eborn Enterprises, Inc. – MBE;
JBC Associates, Inc. – MBE;
iCivil, Inc. – MBE;
Maryland Technical Services, LLC – MBE;
Anthony Management Group, LLC – VSBE; and
Specialized Engineering, Inc.;

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

The firm selected for award of Contract No. AE-3023-0000 in the amount of \$10,000,000 is STV Incorporated/KCI Technologies, Inc., a Joint Venture (the fifth highest rated firm). Its sub-consultants are:

- iCivil, Inc. – MBE;
- Phoenix Engineering, Inc. – MBE;
- Puente Consultants, LLC – MBE;
- Findling, Inc. – MBE
- Khafra Engineering Consultants, Inc. – MBE;
- Navarro & Wright Consulting Engineers, Inc. – MBE;
- DM Enterprises of Baltimore LLC – MBE; and
- Eborn Enterprises, Inc. – VSBE

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

The firm selected for award of Contract No. AE-3025-0000 in the amount of \$9,000,000 is O'Connell & Lawrence, Inc./ATCS P.L.C./Whitney, Bailey, Cox & Magnani, LLC, a Joint Venture (the seventh highest rated firm). Its sub-consultants are:

- Chesapeake Environmental Management, Inc. – MBE;
- Findling, Inc. – MBE;
- Infrastructure Technologies, LLC – MBE;
- Khafra Engineering Consultants, Inc. – MBE;
- Maryland Technical Services, LLC – MBE;
- Mercado Consultants, Inc. – MBE
- NMP Engineering Consultants, Inc. – MBE;
- Quinn Consulting Services, Inc. - MBE
- Eborn Enterprises, Inc. – VSBE; and
- Specialized Engineering

The Contracts will be valid for a five (5) year period and include a provision authorizing an extension of one-third of the original base term in accordance with BPW Advisory 1995-1.

Upon motion by Member Ensor and seconded by Member Armstrong, the Members unanimously approved Contract Nos.: AE-3021-0000 in the amount of \$12,000, AE-3022-0000 and AE 3023-0000, in the amount of \$10,000,000, AE-3025-0000 in the amount of \$9,000,000 each for a total Not-to Exceed total amount of \$41,000,000 to the Firms and Sub-Consultants as outlined above.

UPDATE – NB 0543-0000 NICE BRIDGE REPLACEMENT UPDATE

Mr. Will Pines presented an update on the Bicycle Access Accommodations options for Contract NB 0543-0000R. Mr. Pines presented the Board with information regarding options considered for how to effectively provide bicycle access accommodations for the new bridge.

UPDATE – HUMAN RESOURCES COMMITTEE

Member Gaines presented an update on the Human Resources Committee meeting that was held on August 24, 2017. Topics covered included the Workforce Development Initiatives, College Fair Update, Human Resources Training and Agile HR Overview.

UPDATE – AUDIT COMMITTEE

Member von Paris presented an update on the Audit Committee meeting that was held on September 21, 2017. The Office of Audits is on track with the audit schedule for Fiscal Year (FY) 2018 Plan. Updates were given on internal audits that are under way.

UPDATE – RESOLUTION 17-02 – DIRECTING THE ESTABLISHMENT OF TOLL VIDEO ENFORCEMENT RELATED ISSUES WORKSHOP – Part 6 – PROPOSED VIDEO TOLLING OPTIONS AND STRATEGIES

Ms. Deborah Sharpless and Ms. Cheryl Sparks provided an update on the progress of the Working Group authorized under Resolution No. 17-02 to gather, research, analyze, and present information regarding video toll enforcement related issues that are specifically focused on the \$50 civil penalty as established in Code of Maryland Regulations (COMAR) 11.07.07.09.

At the prior Board meeting, the Board concurred with three video tolling goals recommended by staff. As the final presentation in response to Resolution 17-02, staff will propose options and strategies to be implemented under the current Electronic Toll Collection (ETC) contract that align with the approved goals. Additional options will be presented to the Board after the ETC Third Generation (ETC3G) integrator contract award recommendations are finalized.

The proposed options are as follows: Expand Customer Service Notifications and Quality Efforts; Provide Customers with Greater Payment Flexibility and Convenience; Realign Charges to Costs and Defer Advanced Efforts; and Educational Campaign.

At 9:56 am Member Cox left the meeting.

At 10:00 am Member Cox joined the meeting.

UPDATE – EXECUTIVE DIRECTORS UPDATE

Mr. Kevin Reigrut spoke to the Members regarding two events in the near future, the MDTA Fort McHenry Tunnel Run, on October 8, 9:00 am, benefitting Special Olympics Maryland; and a request from County Executive Glassman, Harford County, to sponsor a Hatem Bridge Run in the fall of 2018. Kevin spoke to Governor Hogan's Traffic Congestion Relief Program. Kevin indicated that after the October Board Meeting, the Board will be meeting with seven (7) State legislators from the House Transportation & Environment and Senate Finance Committees regarding the Toll Video Enforcement Related Issues Workshop. Kevin relayed that there was a 68% decrease in complaints for *E-ZPass*® per our vendor Conduent. Finally, Kevin indicated that staff is in the first steps in the development of the Strategic Plan and will be building out the framework during a Strategic Advance in October in Gettysburg, PA.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:27 a.m.

The next MDTA Board Meeting will be held on October 26, 2017, at 9:00 a.m. at the I-95 ETL Offices, 8109 Corporate Center Drive, Suite F, White Marsh, Maryland 21236.

APPROVED AND CONCURRED IN:

A handwritten signature in black ink, appearing to read "Pete K. Rahn", written over a horizontal line.

Pete K. Rahn, Chairman